

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SAMPO IP, LLC,

Plaintiff,

v.

**E*TRADE FINANCIAL CORPORATE SERVICES,
INC., LIBERTY MUTUAL GROUP INC., AETNA
INC., AVON PRODUCTS, INC., STARBUCKS
CORPORATION, YUM! BRANDS INC., HEWLETT-
PACKARD COMPANY, ALCATEL-LUCENT USA
INC., HITACHI DATA SYSTEMS CORPORATION,
MOTOROLA SOLUTIONS INC., FMR LLC, RICOH
AMERICAS CORPORATION AND
UNITEDHEALTH GROUP INC.,**

Defendants.

Civil No. 2:13-cv-00374-JRG

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Plaintiff, Sampo IP, LLC (“Sampo”) for its complaint of patent infringement in this matter, hereby alleges as follows:

The Plaintiff

1. Plaintiff, Sampo, is a Virginia corporation with a principal place of business located at 2331 Mill Road, Suite 100, Alexandria, Virginia 22314.
2. Sampo is the owner by assignment of U.S. Patent Nos. 6,161,149 (Ex. A), 6,772,229 (Ex. B) and 8,015,495 (Ex. C), all entitled *Centrifugal Communication and Collaboration Method* (collectively “the Asserted Patents”).

The Defendants

3. On information and belief defendant E*TRADE Financial Corporate Services, Inc. a/k/a E*TRADE Financial Corporation is a Delaware corporation with a principal place of business at

1271 Avenue of the Americas, 14th Floor, New York, New York 10020-1302, is registered to do business in the State of Texas (Filing No. 800454379), and has a registered agent address at Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218. On information and belief, E*Trade has branch offices located at 8418 Preston Road, Dallas, Texas 75225, and 1121 Uptown Park Boulevard, Houston Texas, 77056, and routinely conducts business with residents within this judicial district.

4. On information and belief defendant Liberty Mutual Group Inc. is a Massachusetts corporation with a principal place of business at 175 Berkeley Street Boston, Massachusetts 02116, is registered to do business in the State of Texas (Filing No. 801071270), and has a registered agent address at Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218. On information and belief defendant Liberty sells its home and auto insurance products to residents of this judicial district and employs over 1,900 people in the State of Texas.

5. On information and belief defendant Aetna Inc. is a Pennsylvania corporation with a principal place of business at 151 Farmington Avenue, Hartford, Connecticut 06156. On information and belief, Aetna sells its insurance products, e.g., Texas Health Insurance Plan Choices, to residents of this judicial district.

6. On information and belief defendant Avon Products, Inc. is a New York corporation with a principal place of business at 777 Third Avenue, New York, New York 10017, is registered to do business in the State of Texas (Filing No. 4298806), has a registered agent address at CT Corp. System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234, and operates stores in this judicial district at, e.g., 1028 E Park Blvd, Plano, Texas 75074.

7. On information and belief defendant Starbucks Corporation is a Washington corporation with a principal place of business at 2401 Utah Ave S, Seattle, Washington 98134, is registered to do business in the State of Texas (Filing No. 9914606), has a registered agent address at Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218, and operates several stores in this judicial district including a store located at 407 W. Loop 281, Longview, Texas 75605.

8. On information and belief defendant Yum! Brands Inc. is a North Carolina corporation with a principal place of business at 1441 Gardiner Lane, Louisville, Kentucky 40213. Yum! Brands operates numerous restaurants in this judicial district, and has a corporate office located at 7100 Corporate Drive, Plano, Texas 75024.

9. On information and belief defendant Hewlett-Packard Company is a Delaware corporation with a principal place of business at 3000 Hanover Street. Palo Alto, California 94304-1185, is registered to do business in the State of Texas (Filing No. 12093906), has a registered agent address at CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234, and has a corporate office located in this judicial district at 400 Legacy Dr. Plano, Texas 75024.

10. On information and belief defendant Alcatel-Lucent USA Inc. is a Delaware corporation with a principal place of business at 600 Mountain Avenue, New Providence, New Jersey 07974, is registered to do business in the State of Texas (Filing No. 10792706), has a registered agent address at Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218, and an office location in this judicial district at 2900 W Plano Parkway, Plano, Texas 75075.

11. On information and belief defendant Hitachi Data Systems Corporation is a Delaware corporation with a principal place of business at 2845 Lafayette Street, Santa Clara, California 95050-2639, a regional office located at 18111 Preston Road, Dallas, Texas 75252, is registered to do business in the State of Texas (Filing No. 4854606), and has a registered agent address at CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

12. On information and belief defendant Motorola Solutions Inc. is a Delaware corporation with a principal place of business at 1303 E. Algonquin Road, Schaumburg, Illinois 60196-4041. On information and belief, Motorola Solutions Inc. operates corporate, regional and sales offices in Texas, including locations at 5601 Military Highway, McAllen, Texas 78503, and in this judicial district at 5000 Legacy Drive, Suite 325, Plano, Texas 75024.

13. On information and belief defendant FMR LLC a/k/a Fidelity is a Delaware corporation with a principal place of business at 245 Summer Street, Boston, Massachusetts 02210-1133, and an investor center in this judicial district at 6005 West Park Boulevard, Plano, TX 75093. On information and belief, Fidelity operates numerous other investment centers in Texas, including locations in Dallas, Houston, Austin and San Antonio, and routinely conducts business with residents within this judicial district.

14. On information and belief defendant Ricoh Americas Corporation is a Delaware corporation with a principal place of business at 5 Dedrick Place, West Caldwell, New Jersey 07006-6304, a direct sale office in this judicial district at 4801 Troup Highway (S.H. 110 South), Suite 702, Tyler TX, 75703, is registered to do business in the State of Texas (Filing No. 0007224206), and has a registered agent address at CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

15. On information and belief defendant UnitedHealth Group Inc. is a Minnesota corporation with a principal place of business at 9900 Bren Road East, Minnetonka, Minnesota 55343, and a regional office located in this judicial district at 5800 Granite Parkway, Suite 900, Plano, TX 75024.

16. On information and belief, each defendant uses a software platform offered by Jive Software, Inc., e.g., the Jive Platform, which offers a communication system whereby the users of such system, via a network of computing devices linked by a network, are able to communicate with one another using such computing devices. The computing devices, which include computers and cellular telephones, are capable of transmitting and receiving information. By way of example, the information communicated between users can be used to facilitate workflow and collaboration on group tasks, projects and documents, etc.

17. The systems have a central device that can receive information from, and transmit information to, the computing devices of the users.

18. The users' computing devices are linked to the systems.

19. A first user is able to input information intended for a second user into the first user's computing device.

20. The systems will, based upon the information provided by the first user, generate a notice to a second user and allow for access to the information from the first user.

21. The systems store a second information input in response to the first information input, and generates a notice directed to another user.

22. The systems store a third information input from a member in response to the second information input and associate it with the first and second information inputs while retaining the first and second information inputs.

Jurisdiction, Venue and Joinder

23. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

24. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400(b).

25. Joinder is proper under 35 U.S.C. § 299 because, upon information and belief, each Defendant uses the same platform to implement the infringing communication methods. There are, therefore, substantial common questions of fact as to all Defendants.

Count I – Patent Infringement

26. Plaintiff incorporates paragraphs 1-25 herein by reference.

27. The Defendants have directly infringed, and continue to directly infringe, the claims of the Asserted Patents by using the accused communications systems and methods covered by the claims of the Asserted Patents.

28. The Defendants' infringing acts have caused, and will continue to cause, damage to Plaintiff in an amount to be proven in trial.

Jury Demand

Sampo IP, LLC hereby respectfully demands a jury trial on all issues appropriately triable by a jury.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that judgment be entered in its favor and against the Defendants on Marathon's claim for patent infringement, and that the Court grant the following relief:

- A) Actual damages;
- B) Prejudgment and post judgment interest; and
- C) All other relief to which Plaintiff is entitled and the Court deems just and proper.

Dated: May 23, 2013

Respectfully submitted,
/s/ Steven R. Pedersen
Steven R. Pedersen
Rolf O. Stadheim
George C. Summerfield
STADHEIM & GREAR LTD.
400 N. Michigan Avenue, Suite 2200
Chicago, Illinois 60611
312-755-4400

Andrew W. Spangler
SPANGLER & FUSSELL, P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
903-753-9300

James A. Fussell, III
SPANGLER & FUSSELL, P.C.
211 N. Union Street, Suite 100
Alexandria, VA 22314
202-285-4010

Attorneys for Plaintiff Sampo IP, LLC

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 23rd day of May, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by first class mail on this same date.

/s/ Steven R. Pedersen
Steven R. Pedersen